



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Numbers: 2308257
Applicant Name: Julie LeDoux for Cobb Construction LLC
Address of Proposal: 7037 13th Av. S.W.

SUMMARY OF PROPOSED ACTIONS

Master use permit to subdivide one parcel into two parcels of land in an environmentally critical area (Steep Slope). Proposed parcel sizes are A) 7,050 sq. ft. and B) 7,048 sq. ft.

Short Subdivision - To create two parcels of land.
(Seattle Municipal Code Chapter 23.24)

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

 ☐ DNS with conditions

 ☐ DNS involving non-exempt grading or demolition, or
 involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

This approximately 14,098 square foot proposal site is located in a single-family residential zone with a required minimum lot size of 7,200 sq. ft. (SF7200). The site is a through lot located between 13th Avenue S.W. and 14th Avenue S.W. The site is undeveloped. Vegetation on-site includes grass, weeds, scattered shrubs and trees. The proposal site is considered environmentally sensitive area (ECA) because of Steep Slope. Both 13th Avenue S.W. and 14th Avenue S.W. are two-lane paved street; with curbs, gutters and sidewalks on both sides.

The proposal site was granted a Limited ECA Exemption (#2400296) for the Steep Slope based on the submitted documents which noted that the existing "steep slope" at the site appeared to be less than 20 feet in height, created by previous grading activities, and not part of a larger "steep slope" system. Further, the geotechnical report by Aspect Consulting, LLC dated March 22, 2004 (revised June 1, 2004), demonstrated that granting the exemption will not result in adverse impacts on this site and adjacent sites. In this respect, the ECA Steep Slope Development Standards (i.e., the threshold disturbance level of 30 percent of the Steep Slope Critical Area) are waived for this development. All other ECA Submittal, General, and Landslide-Hazard, and applicable development standards will still apply for this development. This proposal requires review under the State Environmental Policy Act (SEPA).

Area Development

Zoning and development in the vicinity of the proposal site is predominately Single-family Residential with varied minimum lot sizes. The project site and surrounding area is zoned Single-family 7,200 (SF7200). Single-family zoning, with a minimum lot size of 5,000 (SF5000) is located to the west of the project site.

Proposal Description

The applicant proposes to subdivide one parcel into two parcels of land in an environmentally critical area. Both parcels are proposed to be less than the minimum lot area requirement of 7200 square feet. Parcel A is proposed to have a site area of 7,050 square feet and Parcel B is proposed to have a site area of 7,048 square feet. Section 23.44.010B1b provides for an exception that allows less than the required lot area through the 75%/80% Rule. To minimize disturbance of the steep slope, both parcels are proposed to have vehicle access from 13th Av SW.

Public Comments

Notice of the proposed project was published on July 15, 2004. The public comment period ended on July 28, 2004. No comment letters were received.

ANALYSIS - UNIT LOT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage and zoning within the Department of Planning and Development (DPD); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

1. Conformance to the applicable Land Use Code provisions;

The parcels created by this proposed division of land would conform to all development standards of the SF 5000 zone. Parcel A would have a lot area of approximately 7,050-sq. ft. and Parcel B would have a lot area of approximately 7,048 sq. ft. which meets the criteria for the 75/80% Rule exception of Section 23.44.010B1b. Each lot will have adequate buildable lot area to meet applicable parking, yards and lot coverage requirements.

2. *Adequacy of access for vehicles, utilities and fire protection as provided in Section 23.53.005;*

Each of the proposed parcels will have adequate access for vehicles, utilities and fire protection from the street. Seattle City Light has reviewed and approved this application and does not require property rights for this short plat. The Seattle Fire Department reviewed and approved this proposal.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

Sanitary Sewer: The existing Lot is currently not provided with side-sewer service. There are 8-inch public sanitary sewers (PSS) located in both 13th Avenue S.W. and 14th Avenue S.W.

Drainage: There is a ditch and culvert system located on the far side of 14th Avenue S.W.

Seattle Public Utilities reviewed the unit lot subdivision application and approved a Water Availability Certificate, No. 04-1015 on October 1st, 2004. All conditions on the certificate must be met prior to receiving water service.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed short plat meets the minimum provisions of the Seattle Land Use Code. The proposal meets all applicable criteria for approval of a short plat as discussed in this analysis and decision. The public use and interests are served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

The proposal site was granted a Limited ECA Exemption (#2400296) for the Steep Slope based on the submitted documents which noted that the existing “steep slope” at the site appeared to be less than 20 feet in height, created by previous grading activities, and not part of a larger “steep slope” system. Further, the geotechnical report by Aspect Consulting, LLC dated March 22, 2004 (revised June 1, 2004), demonstrated that granting the exemption will not result in adverse impacts on this site and adjacent sites. In this respect, the ECA Steep Slope Development Standards (i.e., the threshold disturbance level of 30 percent of the Steep Slope Critical Area) are waived for this development. All other ECA Submittal, General, and Landslide-Hazard, and applicable development standards will still apply for this development.

The construction plans and erosion control techniques will be reviewed by DPD. Any additional information required to show conformance with applicable ordinances and codes (ECA ordinance, the SGDCC, DR 3-93, and 3-94) will be required of the applicant prior to issuance of building permits. Construction in compliance with these conclusions and recommendations, as well as applicable provisions of the ECA Ordinance and DR 3-93, will adequately mitigate expected earth impacts; therefore, no further mitigation in this regard pursuant to SEPA is warranted.

6. *Is designed to maximize the retention of existing trees;*

It is difficult to access Parcel "A" from 14th Avenue S.W. due to steep slope, therefore, vehicle access is proposed to come by easement across Parcel "B" from 13th Avenue S.W. Other possible locations for the easement on Parcel "B" would likely cause removal of more or larger trees than the proposed plat. Therefore, the proposal is designed to maximize the retention of existing trees.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single family housing.*

Section 23.24.045 is not applicable because the proposed short subdivision is not for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

SEPA DETERMINATION:

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 6th, 2004. The information in the checklist, the supplemental information submitted by the applicant, field inspection, public comments and the experience of the lead agency with similar projects form the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including an additional mitigation measures needed to protect the environmentally critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The Department of Planning and Development has analyzed the environmental checklist submitted by the applicant; reviewed the project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been

considered. As indicated in the checklist, this action may result in impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, that "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D1-7) mitigation can be considered.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- ☐ Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS - UNIT LOT SUBDIVISION

Prior to Recording

The owner(s) and responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. The boundaries shall be adjusted if necessary to meet the requirements of the Land Use Code.

2. Add the "Conditions of Approval upon Application for Construction Permits," noted below, to the plat. These may be added to the face of the plat, or may be attached as a separate page. If the conditions are on a separate page, insert on the face of the plat "For Conditions of Approval upon Application for Construction Permit, see page ____ of ____."
3. Submit the final recording forms and fee for approval.

After Recording and Prior to Issuance of a Building Permit

4. Attach copy of the recorded short plat with the plan upon application for a construction permits.
5. Submit a standard drainage control plan for review by the Department of Planning and Development.

Signature: (signature on file) Date: December 6, 2004
Joan S. Carson, Land Use Planner II
Department of Planning and Development
Land Use Services